

#10/Request
for
Withdrawal
J. Steptoe
4-3-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gross et al.

Title: A SYSTEM FOR MONITORING
NON-COINCIDENT,
NONSTATIONARY PROCESS
SIGNALS

Appl. No.: 09/865,953

Filing Date: 05/25/2001

Examiner: Michael P. Nghiem

Art Unit: 5975

REQUEST FOR WITHDRAWAL OF OFFICE ACTION

Commissioner for Patents
Washington, D.C. 20231

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Sir:

Applicants hereby request the withdrawal of the Office Action issued on September 11, 2002, and issuance of a new Office Action restarting the period for response. Applicants reasons for this request are as follows.

The present application was originally filed on May 25, 2001. On November 2, 2001, Applicants submitted a Preliminary Amendment in which claims 1-20 were cancelled, claims 21-39 were added, and a substitute specification was submitted in order to correct a number of typographical errors. A copy of the Preliminary Amendment, with the certificate of mailing, is included for the Examiner's reference.

On September 11, 2002, the Examiner issued a first Official Action in which claims 1-20 were rejected, and the Examiner made no indication that the November 2, 2001 Preliminary Amendment was ever received. On November 12, 2002, a telephone conference was conducted between the Examiner, Michael P. Nghiem and Marshall J. Brown, Attorney for Applicants. Mr. Nghiem indicated that the November 2, 2001

Preliminary Amendment was never entered into the record. Because Applicants had intended to cancel claims 1-20, and because the Examiner never had the opportunity to review new claims 21-39, Applicants are requesting that the Examiner withdraw the September 11, 2002 Office Action, enter the November 2, 2001 Preliminary Amendment and issue a new Office Action with new response period. The Examiner is strongly encouraged to contact the Attorneys for Applicants if he has any questions or concerns. The Applicants appreciate the additional effort of the Examiner.

The Commissioner is hereby authorized to credit any overpayment or charge any fee deficiencies in this regard to deposit account No. 06-1450, Foley & Lardner. A duplicate copy of this correspondence is enclosed for such purpose.

Respectfully submitted,

Date November 14, 2002

By Marshall J. Brown

FOLEY & LARDNER
Customer Number: 27433



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